

**Harpswell Planning Board Meeting
Minutes of May 19, 2004**

Approved 6-16-04

Attendance: *Present:* Sam Alexander – Chairman, Dee Carrier, John Papacosma – Vice Chairman, and Joanne Rogers. Noel Musson – Town Planner and Amy E. Ferrell – Planning Assistant were also in attendance. *Absent:* James Carignan and Henry Korsiak – Associate.

Introductions and Pledge of Allegiance - The meeting had been advertised in the Times Record and recorded. Chairman Alexander called the meeting to order at 6:30 pm, introduced above Board members and staff, and led the pledge of allegiance.

Site Visit Review - Chairman Alexander reported that on Tuesday, May 18, Joanne Rogers, Dee Carrier, John Papacosma, and himself along with Town Planner Noel Musson visited the property of Phyllis and Linda Blanton on Bailey Island. There was no representation present for the applicant.

Review of Agenda and Procedure - Chairman Alexander reviewed general Board procedures and the agenda for the evening.

04-05-01 Harpswell Heritage Land Trust, Site Plan Review; Parking Lot in Right-of-Way of Lot 3 (approx. cars) and Kiosk for Skolfield Shores Preserve; Shoreland Residential, Tax Map 1-4, Skolfield Place, Harpswell.

Applicant Presentation – Rebecca Stanley, Chair of the Stewardship Committee for the Harpswell Heritage Land Trust, introduced herself, Reed Coles, and Spike Haible, Executive Director of the Land Trust. Ms. Stanley stated that after they met the Board in April for Preliminary Review, they went before the Board of Appeals who granted the Trust a Sideline Setback Variance on May 5, 2004. This Variance will allow the Trust to create a parking lot within the 50' right-of-way they have over G & G Partnership property. Ms. Stanley stated tonight the Trust is back before the Board seeking Site Plan approval from the Planning Board. The Board received an updated site plan dated May 5, 2004 reflecting minor changes including the location of the information kiosk, proposed landscaping, and a shift in the parking lot moving it 10' north of the previously submitted plan, putting it closer to the wooded hill.

Board Review and Discussion – Alexander asked if the Trust was going to make the parking lot more level than the existing land in that area, or maintain the existing slope. Ms. Stanley stated she was relying on the contractor to advise them what would be best with consideration of the drainage. Spike Haible stated the Trust's overall goal with the parking lot is to keep it as natural as possible. Carrier asked if the entrance had been moved. Ms. Stanley stated the whole parking area and entrance had been shifted to the north and that the entrance may be a little longer in the new proposed location.

Board Review and Discussion – Chairman Alexander stated the Board will be reviewing Section 15 of the Site Plan Review and the Basic Land Use Ordinance.

15.1. Dimensional Requirements

Motion – The Board finds the proposal meets the standards of section 15.1. (Motion by Alexander and seconded by Papacosma; carried 4-0)

15.2. Utilization of the Site

Alexander stated the proposal is for a parking lot to be used for access to a walking trail. He asked what kind of drainage was being proposed for the parking lot. Ms. Stanley stated there is a culvert that runs under Route 123 on the south side of the driveway into the farm; the goal is to channel the water through a culvert under the access of the parking lot and head it into the direction of the existing culvert. Alexander wanted to know if the Trust planned on grading the parking area around the land and not creating drainage ditches around the parking lot. Ms. Stanley stated they had no intention of putting in any ditches around the parking

area. Papacosma inquired into the natural buffering that will be planted and if it will be appropriate for the area. Ms. Stanley stated all plantings will be able to take wet conditions. *Motion – The Board finds the application meets the requirements of Utilization of the Site because they are not creating anymore ditches; they will be landscaping;, and will be channeling water to an existing culvert being utilized on Route 123. (Motion by Carrier and seconded by Alexander; carried 4-0)*

15.3. Adequacy of Road System

Chairman Alexander stated the site is located off an existing driveway off Route 123. *Motion – The Board finds the proposal meets the standards of section 15.3, Adequacy of Road Systems. (Motion by Alexander and seconded by Carrier; carried 4-0)*

15.4. Access into the Site

Motion – The Board finds the proposal meets the standards of section 15.4, Access into the Site; the applicant will be constructing a 13' wide entrance from the existing driveway. (Motion by Alexander and seconded by Carrier; carried 4-0)

15.5. Access/Egress Way Location and Spacing

Motion – The Board finds the proposal as in section 15.3 meets the standards of section 15.5. (Motion by Alexander and seconded by Papacosma; carried 4-0)

15.6. Internal Vehicular Circulation

Alexander stated the parking lot is designed for only six cars. *Motion – The proposal will meet the requirements of section 15.6 as the parking lot will be big enough to allow adequate space to park and turn. (Motion by Alexander and seconded by Rogers; carried 4-0)*

15.7. Parking

Chairman Alexander stated the Board of Appeals granted the Trust a Variance to the sideline setback to allow for a 6 car parking lot. *Motion – The Board finds the proposal meets the standards under section 15.7, Parking. (Motion by Alexander and seconded by Papacosma; carried 4-0)*

15.8. Pedestrian Circulation

Chairman Alexander stated the use is to provide walking access to Skolfield Shores Trail. Carrier asked if the Trust planned on leaving the area between the parking lot and the kiosk natural or did they plan on laying additional material to enhance the path to the kiosk. Ms. Stanley stated the area where the kiosk is located does not have the same drainage problems as the parking lot and they would plan on leaving it natural unless they find that the path needs a little building up to avoid any problems associated with the wetness of the area. *Motion - The Board finds the proposal meets the standards section 15.8. (Motion by Alexander and seconded by Papacosma; carried 4-0)*

15.9. Stormwater Management

Alexander stated a culvert will be placed beneath the access to the parking lot channeling water along natural drainage pathways to the existing culvert on Route 123. *Motion – The Board finds the applicant's plans will meet the requirements of section 15.9. (Motion by Alexander and seconded by Rogers; carried 4-0)*

15.10. Erosion Control

Chairman Alexander asked the applicant if silt fencing and other good practices for erosion control will be used during construction. Ms. Stanley stated there would be. *Motion – The applicant's plan to use best management practices to manage erosion control during construction is sufficient to meet the requirements of section 15.10. (Motion by Alexander and seconded by Alexander; carried 4-0)*

15.11. Water Supply and Groundwater Protection

Chairman Alexander stated there will be no well drilled or water supply. *Motion – The Board finds the application meets the requirements of section 15.11. (Motion by Alexander and seconded by Carrier; carried 4-0)*

15.12. Subsurface Waste Disposal

Chairman Alexander stated there is no disposal system proposed. *Motion – The Board finds the proposal meets the standards of section 15.12. (Motion by Alexander and seconded by Rogers; carried 4-0)*

15.13. Utilities and Essential Services

Chairman Alexander clarified with the applicant that there will be no utilities. Ms. Stanley stated the trail use will be from dawn to dusk. *Motion – The Board finds that since there will be no utilities, the proposal meets the standards of section 15.13. (Motion by Carrier and seconded by Alexander; carried 4-0)*

15.14. Natural Features and Buffering

Chairman Alexander stated the applicants will be planting trees and shrubs for buffering. *Motion – The Board finds the application meets the requirements of section 15.14 as landscaping will fit in with the natural features and provide necessary buffering. (Motion by Rogers and seconded by Alexander; carried 4-0)*

15.15. Lighting

Chairman Alexander stated there is no lighting proposed. *Motion – The Board finds that since there is no lighting proposed the applicant meets the requirements of this section. (Motion by Alexander and seconded by Rogers; carried 4-0)*

15.16. Water Quality Protection

Chairman Alexander stated there will be new landscaping to help control erosion and stormwater runoff. *Motion – The application meets the requirements of section 15.16. (Motion by Alexander and seconded by Papacosma; carried 4-0)*

15.17. Hazardous, Special, and Radioactive Materials

Motion – The Board finds the proposal doesn't include any of these items and meets the standards of section 15.17. (Motion by Alexander and seconded by Rogers; carried 4-0)

15.18. Solid, Special, and Hazardous Waste Disposal

Chairman Alexander asked the applicant if there will be trash containers on site and if so, how will they be collected and dumped. Ms. Stanley stated rules will be posted that what is carried in, must be carried out. The Trust will be monitoring the property on a regular basis and will pick up any trash that may be left behind. *Motion – The proposal meets the standards of section 15.18 based on the applicants testimony. (Motion by Alexander and seconded by Rogers; carried 4-0)*

15.19. Historic and Archaeological Resources

Chairman Alexander stated the parking area is not in any area where Historic or Archaeological Resources were in question. Ms. Stanley stated the Trust had an Archaeological survey done and nothing was found in that area. *Motion – The Board finds the application meets the requirements of section 15.19. (Motion by Alexander and seconded by Papacosma; carried 4-0)*

15.20. Floodplain Management

Chairman Alexander stated the proposed location is not in the Flood Zone. *Motion – The Board finds the application meets the requirements of section 15.20 because it is not located in the floodplain. (Motion by Carrier and seconded by Alexander; carried 4-0)*

15.21. Technical and Financial Capacity

Chairman Alexander stated that funds will be provided through donations. Ms. Stanley stated that the Trust has received some grant money and that there have been funds set aside for this proposal. *Motion – The Board finds the application meets the requirements of section 15.21. (Motion by Alexander and seconded by Carrier; carried 4-0)*

Motion – The Board finds the application meets the requirements of the Basic Land Use Ordinance and the Site Plan Review Ordinance. (Motion by Papacosma and seconded by Alexander; carried 4-0)

Motion – The Board approves the application presented by the Harpswell Heritage Land Trust as meeting the requirements of the Site Plan Review Ordinance with the conditions that best erosion control measures are practiced during construction of the parking lot and that the landscaping proposed be completed. (Motion by Carrier and seconded by Alexander; carried 4-0)

04-05-02 Diane Bibber-Oden (Phyllis and Linda Blanton – Owners), Reconstruction of Non-Conforming Structure; Renovation to Existing House and Basement Reconstruction; Commercial Fisheries 1, Tax Map 25-67, Garrison Cove Road, Bailey Island.

Applicant Presentation – Mr. Matt Senecal of BBI Builders Inc. introduced himself and apologized to the Board that no one was present at the Site Visit; he is filling in for Ms. Bibber-Oden due to an automobile accident and only found out about the visit at approximately the same time it took place. Mr. Senecal stated the proposed renovation was necessary due to the severe asthma of Ms. Blanton. The conditions of the existing structure have been causing Ms. Blanton severe asthma attacks. The goal of the proposed project is to remove anything which would cause Ms. Blanton's condition to worsen. The applicant is requesting to leave the structure in the same footprint. Most of the existing structure can be used and if it were to be moved from its existing footprint, it would create a financial hardship for the applicant.

Board Review and Discussion – Chairman Alexander asked if there was a LOMA on file. Planner Musson noted that in the applicants packet submitted this evening, there's an application for a LOMA which was submitted to FEMA on May 13th. Planner Musson stated that some of the items submitted tonight need to be reviewed by the Board and Codes Enforcement Office including 1) The letter from MidCoast Survey which needs to be presented to the Codes Office; 2) The updated plan for the proposed septic system which needs to be reviewed by the Codes Office; 3) Letter of Explanation; and 4) The Codes Office needs measurements and numbers for any expansion. Chairman Alexander also noted a site plan with setbacks needs to be submitted to the Board and is of the opinion that this application should be tabled until next months meeting because it is not complete. Carrier concurred with the Chair and that she would not feel comfortable making a decision on a matter without having time to review all information. Rogers also stated she would like to see a more complete packet.

Motion – That due to the incompleteness of the application the Board tables this item to be readdressed it as the first agenda item in June. (Motion by Carrier and seconded by Rogers; carried 4-0)

Board Discussion – The Board presented Mr. Senecal with questions that he might be able to take back to Ms. Bibber-Oden and get answers to before the next meeting. Chairman Alexander asked how much of the building is going to be removed. Mr. Senecal stated he had not seen plans. He indicated approximately half of the existing structure will have a new foundation. Chairman Alexander directed Mr. Senecal to section 10.3.2.2 in the Harpswell Shoreland Zoning Ordinance which addresses the reconstruction or replacement of a non-conforming structure and stated it is the agent's responsibility to convince the Board to allow the proposal. Mr. Senecal stated this is more of a health issue. Planner Musson stated that the Board could use more information regarding the disability and asked if there is anything recorded stating the presence of mold. Chairman Alexander thanked Mr. Senecal for his time.

Approval of Minutes - The Board reviewed the minutes of 4/21/04. Motion – To approve the minutes of April 21, 2004, as submitted. (Motion by Carrier and seconded by Papacosma; carried 3-0; Rogers abstaining)

Elections of Board Officers – Motion – To elect Sam Alexander as Board Chair. (Motion by Carrier and seconded by Rogers; carried 3-0)

Motion – To elect Dee Carrier as Board Secretary. (Motion by Alexander and seconded by Rogers; carried 3-0.

Motion – To elect John Papacosma as Vice-Chairman. (Motion by Alexander and seconded by Carrier; carried 3-0)

Chairman Alexander asked Planner Musson the status of the Town Office Parking Lot. Planner Musson noted the Town is in the process of finalizing the landscaping, however, he would want to talk with Bill Wells regarding this issue, and that the parking lot is going to be repaved. Chairman Alexander stated he was not pleased with the erosion channels and the way there is mud slumped into the ditch and the way the landscape blanket is gone off certain sections. He is also of the opinion that the steep bank by the septic system needs to have rip rap. The Board addressed this last year and is unhappy with the way things are now. Carrier mentioned that one of the major concerns with building the parking lot was the vegetation to be used to filter the runoff before going into Strawberry Creek. Chairman Alexander stated the Town should be leading by example and not letting this go. Planner Musson noted the project wasn't complete and could find out the status of the landscaping for them.

Planners Updates- Planner Musson noted that he in the near future would like to review a “Notice of Decision” with the Board so the Board will have a better concept of how their motions affect the Notice of Decision and could possibly help them with their motions.

Adjournment - Motion to adjourn at 7:45 pm. (Motion by Chairman Carrier and seconded by Alexander; carried 4-0)

Respectfully submitted,

Amy E. Ferrell
Planning Assistant